

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

|                                   |   |                            |
|-----------------------------------|---|----------------------------|
| MICHAEL S. MANCINA, M.D. &        | ) |                            |
| ASSOCIATES, P.A.,                 | ) |                            |
|                                   | ) |                            |
| Plaintiff,                        | ) |                            |
|                                   | ) |                            |
| vs.                               | ) |                            |
|                                   | ) |                            |
| MICHAEL A. HACKARD, et al.,       | ) |                            |
|                                   | ) |                            |
| Defendants/Third Party Plaintiffs | ) | Case No.: 05-1138-CV-W-GAF |
|                                   | ) |                            |
| vs.                               | ) |                            |
|                                   | ) |                            |
| TODD LINDLEY and                  | ) |                            |
| LINDLEY & ASSOCIATES,             | ) |                            |
|                                   | ) |                            |
| Third Party Defendants.           | ) |                            |

**JUDGMENT**

On April 14, 2008, this matter came for hearing before the Court. Plaintiff Michael S. Mancina, M.D. & Associates, P.A. ("Plaintiff") appeared through its representative Michael S. Mancina and by counsel, Alan B. Gallas and Gwendelyn Garcia of the law firm of Gallas and Schultz. Defendants Michael A. Hackard, et al. (jointly "Defendants"), appeared by counsel David Zarka of the law firm of Hackard and Holt and Benny J. Harding. Third Party Defendants Todd Lindley and Lindley & Associates ("Third Party Defendants") also appeared. Evidence was presented to the Court, and, at the request of Plaintiff, the cause was continued for another evidentiary hearing.

On December 14, 2009, the case was called for final evidentiary hearing. Plaintiff appeared through its representative and counsel, Alan B. Gallas. Defendants and Third Party Defendants did not appear. Plaintiff advised the Court that a settlement agreement had been entered into between

Plaintiff and Michael A. Hackard and requested the claims against Defendant Hackard be dismissed without prejudice. Thereafter, the Court took notice that Defendant Theodore J. Holt is now deceased and that his estate has been substituted in this matter in accordance with law. Plaintiff presented evidence of Defendant, Estate of Theodore J. Holt's, present level of indebtedness.

Having heard the statements of counsel and considered the evidence, the Court finds the remaining Defendant, the Estate of Theodore J. Holt, indebted to Plaintiff in the principal amount of \$409,797.27, together with interest thereon at 9% per annum from and after April 16, 2009, through the date of this judgment and thereafter until the judgment is paid in full. Accordingly, it is

**ORDERED** that judgment is **GRANTED** to Plaintiff against Defendant, the Estate of Theodore J. Holt, in the sum of \$409,797.27, together with interest thereon at 9% per annum from and after April 16, 2009, through the date of this judgment and thereafter until the judgment is paid in full, together with Plaintiff's costs incurred herein.

**IT IS FURTHER ORDERED** that Plaintiff's verbal motion to dismiss its claims against Defendant Michael A. Hackard is hereby **GRANTED**, and the claims against him are hereby **DISMISSED** without prejudice.

**IT IS FURTHER ORDERED** that judgment is **GRANTED** in favor of Third Party Defendants and against Defendants on the Third Party Petition.

**IT IS SO ORDERED.**

s/ Gary A. Fenner  
Gary A. Fenner, Judge  
United States District Court

DATED: December 22, 2009